

REMARKS/ARGUMENTS

With respect to the drawings filed with the application, it is noted that the Examiner checked no box in category 10 of the Office Action Summary (Form PTOI-326). Accordingly, applicant will proceed on the assumption that the drawings are accepted by the Examiner.

Turning to the claims, all claims initially presented in the application, comprising claims 1-12, stand rejected under 35 USC 103(a) as being unpatentable over Erickson U.S. Patent No. 4,093,295 (the '295 patent) in view of Poupitch U.S. Patent No. 2,997,169 (the '169 patent), the Examiner reasoning that the '295 patent discloses in FIG. 7 an integrally molded carrier for carrying multiple containers by their necks comprising a substantially planar web 36 having multiple nodes defining multiple annular supports 30 and 32, with each annular support having a flexible annular flange 33 and 35 for releasably engaging the container necks, that the centers of the annular supports are substantially aligned along a common axis, and contending that the '295 patent discloses a generally U-shaped handle 37 flexibly attached to the web at four points that are substantially equidistant from the centers of the multiple annular supports. The Examiner concedes that there is no disclosure in the '295 patent of flexible attachment of the handle to the web at two points that are substantially equidistant from the centers of the multiple annular supports. However, the Examiner asserts that the '169 patent shows a carrier 20g for carrying multiple containers comprising a substantially planar web having multiple annular supports 22g for engaging the containers and a generally U-shaped handle 80/82 attached to the web at two points that are substantially equidistant from the centers of the multiple annular

supports, and concludes that, in view of the '169 disclosure, it would have been obvious to one of ordinary skill in the art to modify the '295 handle so it is attached to the web at two points that are substantially equidistant from the centers of the multiple annular supports to facilitate carrying. This rejection is respectfully traversed for the reasons stated herein.

Claim 7 has been cancelled, rendering its rejection moot. As to the remaining claims, applicant respectfully submits that the Examiner is mistaken in the interpretation of the disclosures of the '295 and '195 in several respects.

Specifically, the handle of the bottle carrier of the '295 patent comprises two U-shaped elements 37 and 38 attached to web 36 at eight points rather than four points, as contended by the Examiner. Moreover, even if the Examiner is contending that only one of the two U-shaped handle elements shown in FIG. 7 is attached at four points "that are substantially equidistant from the centers of the multiple annular supports," such a contention is in error. In this connection, the Examiner is referred to Exhibit A hereto, comprising a photocopy of FIG. 7 of the '295 patent, annotated with straight lines A, B and C drawn from the points of attachment of the U-shaped handle to the web to the centers of two of the three annular supports. As a comparison of the actual lengths of the lines A and B and C shows, the points of attachment are not "substantially equidistant" from the centers of the annular supports. Accordingly, two of the factual underpinnings for the Examiner's reasoning are seen to be mistaken.

Turning to the teachings of the '169 patent regarding the handle element, applicant respectfully points out that the handle therein is not integrally molded to the planar web, but rather is attached to the planar web by a harpoon-like attachment created by piercing

the web with conical tips 86, with barbs 88 actually attaching to and supporting of the planar web. This arrangement is submitted to be significant inasmuch as the '169 handle is not integrally molded as part of the carrier as called for in applicant's only independent claim, claim 1. Since all of the remaining claims ultimately depend from claim 1, those claims contain the same "integrally molded" limitation. Moreover, there is no teaching in either the '295 or '169 patents as to how one would go about modifying the harpoon-like attachment of the '169 handle so as to permit it to be integrally molded with the planar web of the '295 carrier.

A further shortcoming in the disclosure of the '169 patent is that there is no teaching that the U-shaped handle is capable of being flexibly attached to the web, as called for in applicant's claim 1. To the contrary, it is stated in the '169 patent that the barbs 88 "then lock beneath the carrier as shown in FIG. 3." (emphasis added) See FIG. 3 and column 2, lines 45-46 of the '169 patent. This point is also submitted to be significant in that such a locked arrangement of the handle at substantially right angles to the planar web requires the handles to stick up above both the planar web and the necks of bottles when the annular supports engage bottle necks. This arrangement would make both the carrier itself and the bottle/carrier combination difficult if not impossible to store or ship in stacks, which is one of the prior art problems overcome by applicant's claimed invention. See applicant's specification at page 2, lines 2-4.

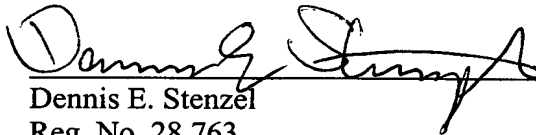
Finally, turning to applicant's claims as amended, independent claim 1 now recites that each flexible annular flange is provided with a plurality of radial slots, which is not shown in either the '295 or '169 patent. (At best, the '295 patent discloses an annular flange

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with a single radial slot 9.) Because claim 7 has been cancelled, the dependency of claims 8-9 has been amended so as to make those claims depend from claim 6.

For the reasons stated, early and favorable reconsideration is respectfully solicited.

Respectfully submitted,

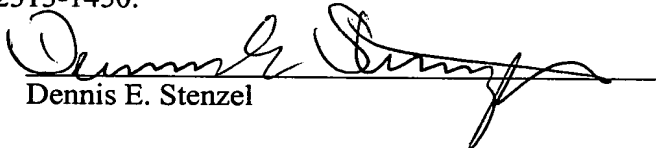


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